

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19842 of 2005

ORDER:

The petitioner is an Archaka. Initially, he was engaged on NMR basis with effect from 01.10.1986, and thereafter, on consolidated pay of Rs.250/-, per month, with effect from 01.08.1988. Subsequently, Sri Bugga Mutt, At Tirupathi, appointed the petitioner, through its Executive Officer/Assistant Commissioner as Archaka, on a consolidated salary of Rs.900/-, per month, vide proceedings, dated 15.01.1997. He has been continuing in that service since then.

The petitioner has been making several representations for regularization of his service and extension of benefit of scale of pay. Necessary permission was accorded by the Commissioner of Endowments, 2nd respondent herein, on 24.05.2005, and on the basis of the same, consequential orders were passed by the 3rd respondent on 03.06.2005.

The Government issued G.O.Ms.No.1422, Revenue (Endts.I) Department, dated 25.07.2005, cancelling the orders of appointment or extension of benefit of scale of pay to various employees in the religious institutions across the State. The basis for such orders was that large-scale irregularities were committed by the then Commissioner of Endowments. The petitioner challenges the same.

Learned counsel for the petitioner submits that his client was in service in the 3rd respondent for the past eight years, and in fact, the benefit of extension of scale was denied to him for an unduly long time. He contends that simply because the order according permission was issued by the Commissioner, who was said to have committed certain irregularities, the petitioner cannot be denied the benefit of the scale. It is also submitted that the impugned proceedings are contrary to the principles of natural justice.

Learned Government Pleader for Endowments and learned Standing Counsel for the 3rd respondent submit that the petitioner can avail the remedy of review and the impugned order, which is passed under Section 93 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, does not suffer from any illegality or infirmity.

It is a matter of record that the petitioner was appointed by the 3rd respondent way back in the year 1987. Earlier to that he was serving in Sri Swamy Hathiramji Mutt. It is not in dispute that the Government itself issued orders from time to time, providing for extension of the scale of pay for the employees working in religious institutions on consolidated salary for certain length of time. The 1st respondent generalized all the cases of appointment or extension of scale of pay that took place during the tenure of a particular Commissioner. Such a generalization, without verifying the facts, cannot be sustained in law. The 3rd respondent does not dispute the entitlement of the petitioner even as on today. One can understand if the petitioner was otherwise not entitled for the scale of pay and that it was extended to him in violation of any settled norms or Government orders. As long as such grounds are not pleaded, the extension of benefit of scale to the petitioner cannot be taken away.

Therefore, the writ petition is allowed and the impugned order in so far as it cancels the order for extension of scale of pay to the petitioner is set aside. No order as to costs.

L.NARASIMHA REDDY,J

Date:19.09.2005

GJ/TSR

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19842 of 2005

DATED:19.09.2005

Between:

Sankar Dass

..Petitioner

And

The Government of A.P. represented by its Secretary, Department of Revenue
(Endowments) Secretariat Buildings, Hyderabad. and others ..Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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